

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

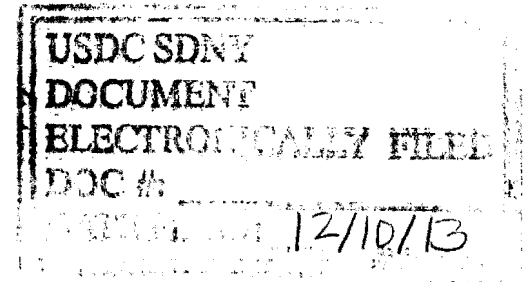
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JORGE PEREZ,

Plaintiff,

-against-

CAPTAIN COLLASO #2377, and
C.O. DIAS #7766,

Defendants.
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REPORT AND
RECOMMENDATION
TO THE HONORABLE
ANDREW L. CARTER

13 Civ. 4616 (ALC) (FM)

FRANK MAAS, United States Magistrate Judge.

On July 2, 2013, pro se plaintiff Jorge Perez ("Perez") filed this civil rights action, pursuant to 42 U.S.C. § 1983, alleging that two correction officers used excessive force against him while he was in custody at the North Infirmary Command at Rikers Island. (ECF No. 2). A second identical case filed by Perez subsequently was consolidated under this docket number. (ECF No. 12).

Although Perez was in custody when he filed this action, on November 8, 2013, the Law Department informed the Court that Perez had been released, but had not provided updated contact information. (ECF No. 13). Accordingly, by memorandum endorsement dated November 11, 2013, I directed that Perez provide the Court with his contact information by December 9, 2013, and that he appear in court on that date for a scheduling conference. I further warned Perez that if he failed to appear on that date, his case might be dismissed for want of prosecution. (ECF No. 14).


Despite my warning, Perez did not appear at the conference today, nor has he provided updated contact information to counsel or the Court. It therefore appears that he has abandoned this action, which should be dismissed without prejudice for want of prosecution.

Out of an abundance of caution, although it seems unlikely to reach him in light of his release, I have sent a copy of this Report and Recommendation to Perez's last known address at Rikers Island.

Notice of Procedure for Filing Objections to this Report and Recommendation

The parties shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a) and (e). Any such objections shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of Honorable Andrew L. Carter at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, N.Y. 10007, to my chambers at the United States Courthouse, 500 Pearl Street, New York, N.Y. 10007, and to any opposing parties. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72(b). Any requests for an extension of time for filing objections must be directed to Judge Carter. The failure to file these timely objections will result in a waiver of those objections for purposes of appeal. See Thomas v. Arn, 474 U.S. 140 (1985); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72(b).

Dated: New York, New York
December 9, 2013


FRANK MAAS
United States Magistrate Judge

Copies to:

Honorable Andrew L. Carter
United States District Judge

Jorge Perez (via U.S. mail)
B&C #3601300056
N.I.C. 1500 Hazen Street
East Elmhurst, NY 11370

Defendants' Counsel (via ECF)